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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 BRIAN K. JOHNSON,

7 Plaintiff,

8 v.

9 ELDON VAIL, *et al.*,

10 Defendants.

Case No. C08-5654FDB


ORDER DENYING
RECONSIDERATION

11 This Court adopted the Magistrate Judge's Report and Recommendation denying Plaintiff's
12 motion for default on February 24, 2009. On February 18, 2009, in lieu of filing an answer,
13 Defendants filed a motion to dismiss. On March 13, 2009 Plaintiff filed a Motion to Reconsider
14 Default and Judgment and Strike Defense Motion/Order due to Conflict of Interest. Defendants
15 have responded opposing reconsideration.

16 At the time of Plaintiff's motion for default, Defendants had filed a limited appearance, but
17 none of the defendants had yet been served. Denial of default under the circumstances was
18 appropriate, and reconsideration of the Order adopting the Report and Recommendation will be
19 denied. Other relief requested by Plaintiff in his motion is inappropriate and must be denied.

20 ACCORDINGLY, IT IS ORDERED: Plaintiff's Motion to Reconsider Default and Judgment
21 and for other relief [Dkt. # 29] is DENIED.

22 DATED this 30th day of March, 2009.

23 
24 FRANKLIN D. BURGESS
25 UNITED STATES DISTRICT JUDGE
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